

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 21, 2007. Claims 46-90 are pending in this application. Claims 46-90 are rejected. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Request for Entry of Amendment

Applicants request entry of the previously filed Amendment of October 3, 2007. In furtherance of the Interview and Amendment of October 3, 2007, Applicants called Examiner Kuen S. Lu on October 22, 2007 to discuss the refusal to enter the amendments. Examiner Lu confirmed that the amended claims presented in the October 3, 2007 Amendment are allowable over the currently applied references. However, Examiner Lu indicated that an RCE needs to be filed because the amendments present “new issues.” Examiner Lu indicated that the indication that the amended claims present “new matter” was erroneous. Below is a copy of the previously submitted summary of October 3, 2007.

Summary of Interview of October 3, 2007

Applicants, thorough its attorney, Ryan S. Loveless (Reg. No. 51,970), interviewed Examiner Kuen S. Lu on October 3, 2007 (“Examiner Interview”). Applicants appreciate Examiner Lu’s time. During the interview, Examiner Lu and Applicants discussed how the above claim amendments are allowable over the current applied references. Specifically, Examiner Lu and Applicants discussed the feature of information being collected at the same rate and either kept (if a predetermined event occurs) or produced to a reduce form (if no predetermined event occurs). *See e.g.*, Claim 46. Examiner Lu agreed that this feature is not shown in any of the applied references because, for example, the applied references increase a rate after a predetermined event. Given the above, Examiner Lu indicated that the claims are allowable over the applied references and “may” proceed to allowance, pending a further review.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
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